

EXHIBIT C

EXHIBIT C

DISTRICT COURT
CLARK COUNTY, NEVADA

MAURICE SHARPE,)
)
 Plaintiff,)
)
v.) CASE NO. A602043
) DEPT. NO. XVIII
GMAC MORTGAGE; SSAFE MORTGAGE;)
FIDELITY NATIONAL TITLE AGENCY OF)
NEVADA; and DOES I-X, inclusive;)
ROE CORPORATIONS XI-XX,)
inclusive,)
)
 Defendants.)
)
)

DEPOSITION OF
MAURICE SHARPE
LAS VEGAS, NEVADA
TUESDAY, JUNE 29, 2010

Reported By Kele R. Smith, NV CCR No. 672, CA CSR No.
13405

LST Job No. 1-123759

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1 DEPOSITION OF MAURICE SHARPE,
2 taken at 3883 Howard Hughes Parkway, Suite 1100, Las
3 Vegas, Nevada, on Tuesday, June 29, 2010, at 9:46
4 a.m., before Kele R. Smith, Certified Court Reporter,
5 in and for the State of Nevada.

6

7 APPEARANCES:

8 For the Plaintiff:

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22 For the Defendant Fidelity National Title Agency of
23 Nevada:

24 SNELL & WILMER
25 BY: ERICA STUTMAN, ESQ.
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3 WITNESS: MAURICE SHARPE
4

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2 EXHIBITS

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1 LAS VEGAS, NEVADA; TUESDAY, JUNE 29, 2010

2 9:46 A.M.

3 -000-

4 (The Reporter was relieved of her duties
5 under NRCP 30(b) (4).)

6 Whereupon,

7 MAURICE SHARPE,

8 having first been called as a witness, was duly sworn
9 and testified as follows:

10

11 DIRECT EXAMINATION

12 BY MS. STUTMAN:

13 Q. Hi. My name is Erica Stutman. I represent
14 Fidelity National Title Agency of Nevada. I'm going
15 to use the word Fidelity and I'm referring to the
16 entity Fidelity National Title Agency of Nevada.

17 It's currently 9:45 a.m. This deposition
18 was Noticed for 9:30 a.m. A copy of the Notice was
19 sent to Spencer Judd, counsel for defendant Ssafe
20 Mortgage. I also just gave him a telephone call to
21 see if he'd be attending, but the call went to
22 voicemail, so I left a message.

23 Can you please state and spell your full
24 name?

25 A. Maurice Sharpe, M-A-U-R-I-C-E, S-H-A-R-P-E.

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1 A. I'm not sure. Maybe three months or so.

2 I'm not sure.

3 Q. Less than a year?

4 A. Yes.

5 Q. Where did you live before that, before your
6 current address?

7 A. How long back you want to go?

8 Q. I'm sorry. What did you say your current
9 address was?

10 A. 2105 Grand Island Court.

11 Q. And how long have you lived there?

12 A. Ten years.

13 Q. Before Mr. Cantinelli lived there?

14 A. Antinelli.

15 Q. Sorry. Did anybody else live with you prior
16 to him?

17 A. Yes.

18 Q. Who?

19 A. Tracy Sharpe and Jalyn Sharpe. That's my
20 son.

21 Q. When did Tracy move out?

22 A. March of '09, I think it was.

23 Q. Why did she move out?

24 A. She was ready to go.

25 Q. What is -- what's Tracy's relation to you?

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1 A. There is no relationship. We was just -- I
2 don't know how you would explain it. We was just
3 together. She was my girlfriend, I guess you would
4 say.

5 Q. Was her name always Tracy Sharpe?

6 A. No, it wasn't.

7 Q. What was her name?

8 A. Tracy Johnson.

9 Q. When did she change it to Tracy Sharpe?

10 A. Don't remember.

11 Q. It was after she met you?

12 A. Yes.

13 Q. Were you married?

14 A. No.

15 Q. Why did she change her name to your last
16 name?

17 A. I don't know why she did it. I guess she
18 figured we was living together, we was common law.
19 Come to find out later, there's no such thing in Las
20 Vegas -- excuse me -- Nevada.

21 Q. Did she discuss with you changing her name
22 before she did so?

23 A. No, she didn't.

24 Q. Do you know when she changed it?

25 A. I don't remember.

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- 1 Q. How long was she your girlfriend?
2 A. About eight and a half, nine years.
3 Q. Where did you meet Tracy?
4 A. I think I met her here in Las Vegas.
5 Q. Do you remember how you met?
6 A. Through a mutual friend.
7 Q. How long after you met did you start dating,
8 I guess?
9 A. Don't remember.
10 Q. Was it less than a year?
11 A. Yes.
12 Q. Was it about a month or more than a month?
13 A. I believe it was more than a month, but I'm
14 not sure.
15 Q. Think it was less than six months?
16 A. Oh, yes. Definitely less than six months.
17 Q. And how long after you began dating did she
18 move in with you?
19 A. Maybe about a -- eight months. Six to eight
20 months later. Not exactly sure about the time.
21 Q. And you said you never got married, that you
22 never had a marriage license?
23 A. No.
24 Q. Did you call her your wife?
25 A. Yes, I did.

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1 **Q.** Even though you didn't have a marriage
2 license, did you consider yourselves married?

3 **A.** Yes.

4 **Q.** Okay. I'm actually going to change the
5 topic for a moment.

6 What did you do to prepare for today's
7 deposition? Except don't tell me about any
8 conversations you had with your attorney.

9 **A.** Nothing.

10 **Q.** Did you look at any documents?

11 **A.** No.

12 **Q.** You didn't talk to anybody?

13 **A.** I asked people what a deposition was.

14 **Q.** Who did you ask?

15 **A.** I asked Mike Antinelli.

16 **Q.** Did he know what it was?

17 **A.** Yes, he did.

18 **Q.** What did he tell you?

19 **A.** That you go in a room and they ask you a
20 bunch of questions.

21 MR. WINTERTON: Is she living up to it?

22 MS. STUTMAN: I think he was right.

23 BY MS. STUTMAN:

24 **Q.** Did you speak with anyone else?

25 **A.** About the procedure, no. I told friends

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1 A. No. I was still paying it.

2 Q. You were still paying it until when?

3 A. Until somebody took another loan on my
4 house.

5 Q. Was your property that you're living in, was
6 that foreclosed upon?

7 A. Yes.

8 Q. It was sold to somebody else?

9 A. Yes.

10 Q. When was it sold?

11 A. I don't know the date.

12 Q. But you're still living in it?

13 A. Yes. I think it says it's owned by Fannie
14 Mae.

15 Q. You said that Tracy Sharpe moved out in
16 around March 2009. What was your relationship to her
17 when she moved out? Was she no longer your
18 girlfriend? Did you break up?

19 A. Yes. We had broke up.

20 Q. When did you break up?

21 A. In March.

22 Q. Of 2009?

23 A. Yes.

24 Q. When was the last time you spoke with Tracy?

25 A. I spoke with her -- I think it was yesterday

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1 Q. Did he tell you where they were now?

2 A. No, but I found out on the computer.

3 Q. What did you find out?

4 A. That they were in Mexico.

5 Q. How did you find out? Internet search?

6 A. No. Actually, Mike Antinelli, he showed it
7 to me.

8 Q. Did you -- did he look for where they were
9 after you spoke with the guy at Ssafe Mortgage?

10 A. Yes. This was afterwards.

11 Q. So that's how you got their names?

12 A. Yeah.

13 Q. So did Mike do a search on the Internet?

14 A. I couldn't tell you how he found it. I
15 really don't know. He knows way more about the
16 computer than I do.

17 Q. Do you know the name of the lender on this
18 loan that was taken out on your property in March
19 2008?

20 A. Wouldn't that be GMAC? I don't know.
21 You're asking me stuff I have no knowledge of.

22 Q. You said earlier that you never spoke with,
23 met, communicated in any manner with anyone at
24 Fidelity before you found out that the loan was taken
25 out. Correct?

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1 A. Yes.

2 Q. How did you find out that a loan had been
3 taken out in March of 2008 on your property?

4 A. Mike Antinelli.

5 Q. How did he know?

6 A. He pulled up my credit report, I think it
7 was.

8 Q. Why did he pull up your credit report?

9 A. Because I told him that I wanted to pay my
10 mortgage. Tracy had been paying all the bills, so I
11 had no idea what nothing was, and I couldn't get in
12 contact to get the information. I asked if he could
13 find it for me, and he said he could in a matter of
14 minutes.

15 Q. So you wanted to pay the mortgage. So this
16 was when?

17 A. For the month of April.

18 Q. In 2008?

19 A. No. 2009.

20 Q. The loan was taken out March 2008 and you
21 didn't know about it -- the first time you figured
22 out was April 2009?

23 A. Yes.

24 Q. And this was after Tracy moved out. Is that
25 correct?

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1 A. Yes.

2 Q. So when Tracy moved out, did she stop paying
3 all the bills?

4 A. Yes.

5 Q. Okay. So you asked Mike Antinelli to pull
6 your credit report or to find out who --

7 A. Find out the name of the company that I was
8 supposed to send my mortgage to.

9 Q. And what did he find?

10 A. That the loan was refinanced.

11 Q. So what did you do at that time when you
12 found out?

13 A. I contacted the police. I contacted GMAC
14 and pulled the rest of the hair out of my head that I
15 had left.

16 MR. WINTERTON: For the record, he's bald.

17 BY MS. STUTMAN:

18 Q. So this is April 2009. So did you
19 immediately contact the police? Do you remember how
20 long after you found out how many days, weeks,
21 months?

22 A. No. It was -- I want to say it was within
23 hours, but I'll say days to be safe.

24 Q. And you said you contacted GMAC. Is that
25 correct?

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1 **2008, Tracy --**

2 A. Yes.

3 Q. -- was still your common law wife?

4 A. Yes.

5 Q. So after you realized that the loan was
6 taken out, did you make any further mortgage payments
7 to anyone?

8 A. No.

9 Q. Did you receive any mortgage statements in
10 the mail?

11 A. No.

12 Q. For any loan?

13 A. None.

14 Q. What is the current status -- you had
15 mentioned earlier that you had contacted the police,
16 and what happened? Was there an investigation?

17 A. Yes.

18 Q. And what -- is the investigation ongoing?

19 A. I couldn't tell you that. I'm having my
20 attorney try and get in contact with them to find out
21 what's the situation, but in September I talked to --
22 I think his name was Michael Moss.

23 Q. Michael Moss?

24 A. I think that's what it was. Detective
25 Michael Moss, and he said that he was doing his

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1 investigation and it was obvious what had transpired.

2 Q. Were they going to do anything about it?

3 A. You're asking the wrong person.

4 Q. And you said he said it was obvious what
5 transpired. Do they know who was involved?

6 A. I think he said Tracy.

7 Q. Anyone else?

8 A. No, huh-uh.

9 Q. Did you recognize the man in the picture of
10 the fake driver's license?

11 A. No.

12 Q. Were you ever a sales manager?

13 A. No.

14 Q. Did you ever work somewhere called Dial
15 International?

16 A. No.

17 (Exhibit 1 was marked.)

18 BY MS. STUTMAN:

19 Q. This document is called Grant, Bargain, and
20 Sale Deed. And this is -- it says that James Mosley
21 grants property to Maurice Sharpe and Tracy Sharpe,
22 husband and wife, as joint tenants. Have you ever
23 seen this document before?

24 A. Yes.

25 Q. Is this the original deed when you purchased

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1 A. I guess. I don't know what a purchase
2 agreement is.

3 Q. Did you -- do you recall signing any
4 documents where you said that you were going to buy
5 his property?

6 A. Yes.

7 Q. Do you recall whether you signed the
8 documents alone or if Tracy did as well?

9 A. I think I did it alone. I told her to put
10 her name on it too.

11 Q. Why did you want her name on there also?

12 A. I thought she was my wife.

13 MS. STUTMAN: I'm handing to the court
14 reporter Exhibit 2 and giving copy to counsel.

15 (Exhibit 2 was marked.)

16 BY MS. STUTMAN:

17 Q. This document is also entitled Grant,
18 Bargain, Sale Deed. It's dated -- the date it was
19 recorded is October 31st, 2005. Do you recognize
20 this document?

21 A. I don't recognize it, but that was about the
22 time that I was doing the loan.

23 Q. Do you know when you started living there?

24 A. 2000. April.

25 Q. 2000?

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1 A. Yes. Well, she made all the payments. She
2 handled all the bills.

Q. Were the payments made from a bank account
that was yours, or was it both of yours?

5 A. Both of ours.

Q. So it was a joint account?

7 A. Yes.

8 Q. Did you both contribute money to the bank
9 account?

10 A. Yes.

11 (Exhibit 3 was marked.)

12 Q. Handing you another document, which will be
13 Exhibit 3, which is also called a grant, bargain, and
14 sale deed, recorded on January 30, 2008.

15 Have you had a chance to look this over,

16 Mr. Sharpe?

17 A. Uh-huh.

18 Q. Is that your signature at the bottom?

19 A. No.

20 Q. No?

21 A. No.

Q. So this document says that --

23 A. It's not mine. I don't know whose it is.
24 It's not mine.

25 Q. Have you ever seen it before?

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had spoken to your wife?

A. Uh-huh.

MS. STUTMAN: The next exhibit is going to be Exhibit No. 8.

(Exhibit 8 was marked.)

BY MS. STUTMAN:

Q. And this -- at the bottom the number is 90, the Bates stamp number.

A. I recognize that. That's easy.

Q. At the bottom, is that your signature?

A. Yes.

Q. Next exhibit I'm going to hand you is Exhibit No. 9.

(Exhibit 9 was marked.)

BY MS. STUTMAN:

Q. It says at the top, "ID Theft Affidavit." Take a second to look at it.

A. (Complies.)

Q. Do you recognize this document?

A. Uh-huh. Yes.

Q. Is this your handwriting?

A. Yes.

Q. Can you please look at Page 2 of the ID Theft Affidavit. The bottom is marked Bates number 93.

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1 A. Uh-huh, yes.

2 Q. No. 14 says, "To the best of my knowledge
3 and belief, the following person used my information
4 (for example, my name, address, date of birth,
5 existing account numbers, social security number,
6 mother's maiden names, etc.) or identification
7 documents to get money, credit, loans, goods or
8 services without my knowledge or authorization" and
9 you wrote down Tracy Sharpe.

10 A. Yes.

11 Q. Is that your handwriting?

12 A. No. That's not my handwriting. That's Mike
13 Antinelli's handwriting.

14 Q. Was it your handwriting on Page 1?

15 A. Yes.

16 Q. Why did Mike write on Page 2?

17 A. Because his writing is more legible than
18 mine.

19 Q. But you told him to write that?

20 A. Yes.

21 Q. Okay. So at the time that you filled out
22 this ID theft affidavit, did you believe that Tracy
23 had --

24 A. Yes, I did.

25 Q. -- taken your information?

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1 **relationship, did you discuss who was now going to**
2 **pay the bills?**

3 A. There was nothing to discuss. My home, my
4 bills.

5 Q. Right. But you said previously she was the
6 one who took care of paying them.

7 A. She took care of all the bills at the house.
8 Every bill that came through, she took care of it.

9 Q. So when she moved out, who took care of it?

10 A. It was for me to take care of.

11 Q. So you did discuss it?

12 A. There was nothing to discuss. They were my
13 bills. I was going to take care of it. I take care
14 of my bills.

15 Q. Did Tracy keep your checkbook when you were
16 together?

17 A. She always had the checkbook. I never had
18 the checkbook.

19 Q. You never wrote checks from the account when
20 you were still together?

21 A. No. Never wrote checks or made withdrawals
22 or deposits. I added my name onto her account so it
23 will make it easier for her to take care of the
24 bills.

25 MS. STUTMAN: This is going to be Exhibit --

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1 sure that's not mine. And mine has a signature on
2 it.

3 **Q. Is that your Social Security number?**

4 A. That's my Social Security number.

5 **Q. Is your name spelled correctly?**

6 A. Yes. The name is spelled correctly. Unless
7 you got that recently, it's not mine. I just went
8 and got mine.

9 **Q. Okay. This is now going to be Exhibit 12.**

10 **(Exhibit 12 was marked.)**

11 BY MS. STUTMAN:

12 **Q. That is Bates marked at the bottom 88. This**
13 **is a letter from the Las Vegas Metropolitan Police to**
14 **Maurice Sharpe, dated April 14, 2009.**

15 **Mr. Sharpe, do you recognize the letter?**

16 A. Yes.

17 **Q. Did you receive this letter?**

18 A. Yes, I did.

19 **Q. Around April 2009?**

20 A. Yes, I did.

21 **Q. And this letter -- can you read the first**
22 **paragraph?**

23 A. This letter is to inform you that your case
24 event number has been reviewed and has been suspended
25 until get more information on how the loan was

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1 Q. Was it --

2 A. Michael Moss.

3 Q. He called you?

4 A. He left a message -- actually, GMAC left a
5 message for me to contact him.

6 Q. And so you called him?

7 A. Yes, I did. And GMAC also sent me a letter
8 saying to contact him.

9 Q. Did they tell you that they no longer
10 thought that Tracy, your wife, had opened the
11 account?

12 A. No.

13 Q. They didn't tell you that?

14 A. No.

15 Q. So as far as the police are concerned, Tracy
16 may still be involved. Is that correct?

17 A. I think so.

18 Q. Is there a reason why you didn't name Tracy
19 as a defendant in the lawsuit?

20 A. I don't want to sue my son.

21 Q. What do you mean you don't want to sue your
22 son?

23 A. Whatever she had I figure goes to him, so I
24 didn't see no need for it.

25 MS. BHIRUD: Can we take one more quick

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1 A. No.

2 Q. Did you make a payment over the phone?

3 A. She handled all the bills. I don't know how
4 she paid it.

5 Q. But you never made a payment over the phone?

6 A. Never. Don't know how.

7 Q. Okay. The next page, No. 213, it says, "I'm
8 Maurice Sharpe. I would like to explain the increase
9 on my credit due to I was shopping for the rate on
10 the refinance of the home."

11 This is also dated March 3rd, 2008. Did you
12 ever shop around for a refinance rate?

13 A. No.

14 Q. When you first got the property, did you
15 ever have any other loan on the property?

16 A. No.

17 Q. Okay. I had one more question, I think.
18 I'm handing you a copy of the complaint in this case.

19 (Exhibit 17 was marked.)

20 BY MS. STUTMAN:

21 Q. Do you recognize this document?

22 A. Yes.

23 Q. Have you seen this before?

24 A. Yes.

25 Q. When the complaint was filed, did you review

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1 between 2008 or between the time that you stopped
2 working full time for Euro-Tech and the time you
3 started working for Credit Doctors?

4 A. Yes. I did a lot of odds and ends jobs. I
5 worked with my brother sometimes.

6 Q. How were you paying for food?

7 A. I worked with my brother sometimes.

8 Q. So were you being paid in cash?

9 A. Yes.

10 Q. Were you using cash to pay for food and
11 daily expenses?

12 A. Yes.

13 Q. Did you use money in your bank account?

14 A. I never used the bank account.

15 Q. Okay. You mentioned, though, that you and
16 Tracy had a joint bank account?

17 A. Yes.

18 Q. Did you have more than one joint bank
19 account?

20 A. No.

21 Q. Just one?

22 A. Yes.

23 Q. Did you review statements from that account?

24 A. No.

25 Q. Did you ever check the balance?

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1 A. No.

2 Q. Did you make deposits into that account?

3 A. No.

4 Q. Did you make withdrawals from that account?

5 A. No.

6 Q. So if we checked those bank records --

7 A. Please do.

8 Q. -- there wouldn't be any deposits from you?

9 A. Please do.

10 Q. We'll have to propound discovery first.

11 There wouldn't be any deposits from you?

12 A. No.

13 Q. But didn't you say that you did deposit
14 money into those accounts?

15 A. Never said that.

16 Q. You said that you both contribute to the
17 joint account?

18 A. That's what I said.

19 Q. So how do you contribute to the joint
20 account if you don't make any deposits?

21 A. I'd give it to her. She'd make the
22 deposits. She was in control.

23 Q. You essentially give Tracy cash and she'd
24 make deposits?

25 A. I don't deal with banks.

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1 Q. How have you been paying your bills?

2 A. She paid it.

3 Q. How did you pay your bills before you were
4 with Tracy?

5 A. Money orders.

6 Q. You paid every bill with a money order?

7 A. Yes.

8 Q. Did you have a bank account?

9 A. No.

10 Q. How have you paid your bills since?

11 A. Money orders.

12 Q. You don't have a bank account?

13 A. I don't have a bank account.

14 Q. Okay. So is it your testimony that Tracy
15 was the only person who made the mortgage payments,
16 even though she wasn't on the mortgage?

17 A. Yes.

18 Q. But you haven't paid your mortgage?

19 A. No.

20 Q. Who paid your mortgage before you and Tracy
21 were dating?

22 A. I paid my own.

23 Q. How?

24 A. My money orders. Actually, I paid the
25 lease. The guy I was getting the house from, he paid

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1 the mortgage.

2 Q. So you haven't seen any --

3 A. None, no statements whatsoever.

4 Q. How do you know what I'm going to ask you?

5 A. I'm sorry. Go ahead.

6 Q. So you took out your original mortgage loan
7 for the home at 2105 Grand Island in 2005?

8 A. Yes.

9 Q. Where were the statements sent?

10 A. I would imagine they would be sent to my
11 house.

12 Q. Do you check your mail?

13 A. No. She handled all the bills.

14 Q. Do you check your mail?

15 A. I check the mail now, but prior to that, no.

16 Q. You didn't check your own mail?

17 A. I didn't even have a key to the mailbox.

18 Q. Okay. And then the same would be true from
19 2008 forward? You didn't check your mail?

20 A. Not until she left in 2009 did I start
21 checking the mail.

22 Q. When in 2009 did you start checking your own
23 mail?

24 A. Late March, early April.

25 Q. Of late 2009?

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1 account number is. Right?

2 A. No.

3 Q. If I gave you a copy of the wiring
4 instructions from the closing of the loan that you're
5 contesting, you wouldn't recognize the number?

6 A. No.

7 Q. How did you find the bank account statement
8 to pull up online?

9 A. I gave my brother the information.

10 Q. How did you have the information?

11 A. I knew what my name was, and I gave him that
12 and my Social Security number and date of birth.
13 Let's see. What else did he use. I think we had a
14 canceled check at the house he used. He said the
15 bottom numbers, I can get the account from there. I
16 don't know exactly how he did it.

17 Q. Did you close your joint account with Tracy
18 after you learned that this loan had been originated?

19 A. No. I didn't close anything.

20 Q. Why not?

21 A. I don't use the bank.

22 Q. You said that you learned in court that a
23 deposit had been made in the amount of \$200,000 into
24 your joint bank account?

25 A. I saw there was a large amount deposited. I

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1 don't know exactly what it was.

2 Q. You saw that when you looked at your bank
3 account statement?

4 A. Yes.

5 Q. Did you close the account after seeing that?

6 A. No.

7 Q. Why not?

8 A. I don't use it.

9 Q. But your name's on it?

10 A. Yes. I figured if I didn't use it, it would
11 make no never mind.

12 Q. Did you contact Tracy after you saw there
13 was this large --

14 A. I attempted to.

15 Q. And?

16 A. I couldn't get in touch with her.

17 Q. Have you spoken to her since that time?

18 A. Yes, I have.

19 Q. Have you discussed it with her?

20 A. I asked her about it repeatedly.

21 Q. What did she say?

22 A. She has no knowledge of it.

23 Q. Does anyone else have access to that
24 account?

25 A. No. Not that I know of.

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1 Q. You still aren't -- so please explain why
2 you didn't name Tracy as a defendant in this lawsuit.

3 MR. WINTERTON: Objection. Asked and
4 answered.

5 A. I didn't want to sue my son.

6 BY MS. BHIRUD:

7 Q. But you believe that Tracy perhaps was
8 involved in taking out this loan?

9 MR. WINTERTON: Objection. Asked and
10 answered three times.

11 A. I don't know.

12 BY MS. BHIRUD:

13 Q. What makes you think that Ssafe Mortgage had
14 anything to do with this, with the allegations in
15 your complaint?

16 A. I think I explained that to you earlier too.
17 Because how shoddy the paperwork was.

18 Q. Have you ever asked -- did you review where
19 the money was being spent or when the money was being
20 taken out of your joint account when you pulled up
21 the statement? Did you look at the history and see
22 when money came in and when it left the account?

23 A. I wouldn't know how to do that.

24 Q. Would your brother know how to do that?

25 A. He probably would.